

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS D. BRIEL,

Plaintiff,

-against-

MEMORANDUM & ORDER
16-CV-0761 (JS) (GRB)

ARMOR CORRECTIONAL HEALTH INC.,
NASSAU COUNTY SHERIFF MICHAEL
SPOSATO,

Defendants.

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APPEARANCES

For Plaintiff: Thomas D. Briel, pro se
16000281
Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

For Defendants: No appearances.

SEYBERT, District Judge:

Incarcerated pro se plaintiff Thomas Briel ("Plaintiff") filed an in forma pauperis Complaint in this Court on February 8, 2016 pursuant to 42 U.S.C. § 1983 ("Section 1983") against Armor Correctional Health Inc. ("Armor"), and Nassau County Sheriff Micheal [sic] Sposato ("Sheriff Sposato" and together, "Defendants"). By Memorandum & Order ("M&O") dated May 13, 2016, the Court granted Plaintiff's application to proceed in forma pauperis, sua sponte dismissed the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and gave Plaintiff leave to file an Amended Complaint within thirty (30) days from the date of the M&O. To date, Plaintiff has not filed an Amended Complaint or

otherwise communicated with the Court about this case.¹ Accordingly, Plaintiff's Complaint is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to allege a plausible claim for relief and pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff at his last known address.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: August 17, 2016
Central Islip, New York

¹ On May 20, 2016, the M&O was returned to the Court and was marked "Return to Sender/Discharged." (See Docket Entry 13.) To date, Plaintiff has not updated his address with the Court.